

Application No. 09/921,097
Amendment dated April 6, 2006
Reply to Office Action of October 6, 2005

REMARKS

Applicant cancelled claims 57 and 58, amended claims 1, 16, 31, 43, 55, 59, and 61, and added new claims 64 and 65 to further define Applicant's claimed invention. The amendment to claims 1 and 31 is supported at least by page 13, lines 16-18 of the specification. The amendment to claims 16 and 55 is supported at least by page 13, lines 2, 3, 13, and 14, and Figs. 1 and 2. The amendment to claim 43 is supported at least by page 11, lines 15-17 of the specification. The amendment to claims 43 and 59 is supported at least by page 9, lines 5-7 of the specification. New claims 64 and 65 are supported at least by page 11, lines 15 and 16 of the specification.

In the Office Action, the Examiner objected to claim 61 for minor formalities. Applicant amended claim 61 to correct the minor informality noted by the Examiner. Applicant submits that the objection to claim 61 has been overcome.

The Examiner rejected claims 1-4, 12, 13, 16-19, 27, 28, 31, 32, 39, and 40 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,483,986 to Krapf ("Krapf"). Independent claims 1 and 31, as now amended, recite the step of "transmitting a request for the ancillary content over the network to a remote site where the ancillary content is stored." Krapf teaches transmitting "alternative subject matter 14" with the streaming video, before the streaming of the video, or via an Internet connection with predetermined automatic downloads. (Krapf, col. 6, lines 38-53, and col. 8, lines 39-46). Krapf does not teach or suggest transmitting a request for ancillary content over the network to a remote site as recited in independent claims 1 and 31.

Independent claim 16, as now amended, recites "delivering a video from a remote location over a network to a visual display," and "pausing said step of delivering video from the remote location at a point in time." Krapf teaches that once the alternative subject matter 14 is selected, "the personal video recorder 2 stores the streaming video data." (Krapf, col. 3, lines 50-57). The streaming video of Krapf is not interrupted from a remote location, but stored locally on hard disk drive 8 for later viewing. (Krapf, col. 6, line 65 to col. 7, line 3).

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Applicant submits that the Examiner's rejection of claims 1-4, 12, 13, 16-19, 27, 28, 31, 32, 39, and 40 under 35 U.S.C. § 102(e) as being anticipated by Krapf has been overcome.

The Examiner rejected claims 55-57 and 59-63 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,929,849 to Kikinis ("Kikinis"). Independent claim 55, as now amended, recites "displaying a video from a remote site on a visual display," "interrupting the delivery of the video from the remote site after the interface link is interacted with" and "continuing the step of displaying the video from the point in time where the display of video was interrupted after accessing the commerce site." Kikinis teaches suspending the TV display while "the initial WEB page downloaded from the BMW server is displayed instead." (Kikinis, col. 8, lines 3-5). Kikinis does not teach or suggest continuing the display of the video from the point in time where the display of the video was interrupted after accessing a commercial site as recited in independent claim 55 of Applicant's claimed invention.

Independent claim 59, as now amended, recites a method for creating an interactive video, including the step of creating a link program "linking the ancillary content and the video to the point in time when the delivery of the video was interrupted." Kikinis does not teach or suggest creating a link program linking the ancillary content and video to the point in time when the video was interrupted as recited in independent claim 59 of Applicant's claimed invention.

Applicant submits that the Examiner's rejection of claims 55-57 and 59-63 under 35 U.S.C. § 102(e) as being anticipated by Kikinis has been overcome.

The Examiner rejected claims 5, 6, 8, 10, 11, 14, 15, 20, 21, 23, 25, 26, 29, 30, 33, 35, 37, 38, 41-45, 47, and 49-54 under 35 U.S.C. § 103(a) as being unpatentable over Krapf in view of Kikinis. Applicant respectfully traverses the Examiner's rejection. The Examiner states that "[i]t would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Krapf's system to include wherein the video is received from a cable TV link and/or satellite link and the interface link is received from a web server via a telephone line, as taught by Kikinis, for the advantage

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of allowing the user to access web data pertinent to the video programming via alternative communication medium." (Office Action, paragraph bridging pages 8 and 9). Applicant respectfully submits that the Examiner's asserted motivation is inapplicable because Krapf already accomplishes without modification what the Examiner states is the reason to combine the teachings of Krapf with Kikinis, *i.e.*, "allowing the user to access web data pertinent to the video programming via alternative communication medium." Krapf teaches obtaining web data from the Internet and storing the data in storage device 8. (Krapf, col. 8, lines 39-46). Accordingly, Applicant submits that one skilled in the art would not look to another reference for a teaching on permitting access to web data pertinent to video programming when this feature is already taught by Krapf. (See MPEP § 2143.01, "the Prior Art Must Suggest the Desirability of the Claimed Invention" (May 2004)).

Nonetheless, in order to expedite prosecution of the present application, Applicant amended independent claim 43 to recite the step of "displaying an overlaid interface link with the video based on the time elapsed during the display of the video." Neither Krapf nor Kikinis, whether alone or in proper combination, teach or suggest the subject matter of independent claim 43.

Applicant submits that the Examiner's rejection of 5, 6, 8, 10, 11, 14, 15, 20, 21, 23, 25, 26, 29, 30, 33, 35, 37, 38, 41-45, 47, and 49-54 under 35 U.S.C. § 103(a) as being unpatentable over Krapf in view of Kikinis has been overcome.

The Examiner rejected claim 58 under 35 U.S.C. § 103(a) as being unpatentable over Kikinis in view of Krapf; rejected claims 7, 22, 34, and 46 under 35 U.S.C. § 103(a) as being unpatentable over Krapf in view of U.S. Patent No. 6,154,738 to Call; and rejected claims 9, 24, 36, and 48 under 35 U.S.C. § 103(a) as being unpatentable of Krapf in view of U.S. Patent No. 6,184,878 to Alonso. Applicant submits that the rejections over claims 7, 9, 22, 24, 34, 36, 46, and 48 are rendered moot at least because they depend from an allowable independent claim, or claims dependent therefrom. Applicant amended claim 55 to include the subject matter of former claim 58. Applicant submits that claim 55 is patentable over Kikinis in view of Krapf because

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neither Kikinis nor Krapf, whether alone or in proper combination, teach or suggest the steps of "interrupting the delivery of the video from the remote site after the interface link is interacted with" and "continuing the step of displaying the video from the point in time where the display of video was interrupted after accessing the commerce site" as recited in independent claim 55.

Applicant submits that independent claims 1, 16, 31, 43, 55, and 59 are patentable and that dependent claims 2-15, 17-30, 32-42, 44-54, 56, and 60-65 dependent from one of independent claims 1, 16, 31, 43, 55, and 59, or claims dependent therefrom, are patentable at least due to their dependency from an allowable independent claim.

In view of the foregoing remarks, it is respectfully submitted that the claims, as amended, are patentable. Therefore, it is requested that the Examiner reconsider the outstanding rejections in view of the preceding comments. Issuance of a timely Notice of Allowance of the claims is earnestly solicited.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this reply, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 50-1068.

Respectfully submitted,

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